

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF DECEMBER 12, 2000
REGULAR BOARD OF DIRECTORS MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:00 p.m.

Judge McDonald, of the Thirteenth Judicial District Court, swore in Richard Deubel as the newest member of the SSCAFCA Board.

Directors in attendance were John Chaney, Richard Deubel, Guy McDowell, and Dub Yarbrough. Staff members present were David Stoliker, Executive Director, and Yolanda Guerrero. Perry Baird, Contract Accountant, Bernard Metzgar, SSCAFCA's attorney and members of the public were also present.

APPROVAL OF AGENDA.

A motion was made by John Chaney to approve the Agenda as presented. It was seconded by Guy McDowell and passed unanimously.

SECRETARY'S REPORT.

1. Approve Minutes of November 21, 2000.

A motion was made by Guy McDowell to approve the minutes from November 21, 2000 as presented. It was seconded by John Chaney and passed unanimously.

TREASURER'S REPORT.

1. Action/Approval of Expenditures for 11/01/00 - 11/30/00.

A motion was made by John Chaney to approve the expenditures for 11/01/00 to 11/30/00 as presented. It was seconded by Guy McDowell and passed unanimously.

2. Action/Approval of Treasurer's Report for 11/30/00.

CHAIRMAN'S REPORT.

Discussion/Action on Citizen Complaint Letter from Don Reightley.

There was a discussion of this letter and it was determined that it was a Village of Corrales item that would have to be resolved by the Village.

OPEN FORUM.

None.

EXECUTIVE DIRECTOR REPORT.

1. **Corrales Loma Larga Request to Drain into Tree Farm Pond B and only construct for the 2-year Storm Event.**

Peter Brachenhoff, of Avid Engineering, stated that the analysis done for the final drainage report prepared by AVID Engineering in June, 1997, was for a two year, 24 hour storm. SSCAFCA's requirements for its structures are 100 year, 24-hour storm. The two-year storm accumulates about .99 acre-feet of run-off for map section 280. The 100-year storm accumulates about 5.5-acre feet for map section 280. The map section for Loma Larga drainage area 60 has a two year storm run off volume of .39 acre feet and a 100 year storm of .73 acre feet. The two-year storm run off total is 1.4-acre feet and the 100-year storm run-off total is 6.3-acre feet.

They are looking at the two year, 24 hour storm to be able to discharge not only the section between Meadowlark and Coronado, but also the section from Meadowlark Lane to Windover. To do so, they need an additional excavation of Tree Farm Pond B by three feet.

Mr. Stoliker stated that there was a recent meeting between the Village and SSCAFCA to discuss this project and possible alternatives. One question asked was whether the road swale could take some of the flow. Mr. Brachenhoff stated that from the numbers, it looks like it does more than the ten-year event, possibly up to the 50-year event. The roadway, the swale and the pond would not take the 100-year event by excavating the pond by another three feet. The swale cannot be constructed to take the 100-year event with the available right of way and the room between the new typical roadway section. The Corrales Main Canal would have to be realigned between Windsong and Coronado to be able to

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provide enough room for the reconstructed roadway. The plan is to utilize the room available between the paved roadway and the right of way to the most extent possible.

Mr. Brachenhoff stated that it is thought that the capacity of the pond as it is now is 3.8-acre feet. However, there was another report done by another entity that indicated that it could be as much as 5.6 acre-feet. It has never been measured. The difference comes from what Wilson & Co. did originally, which they said was 5.6 acre feet. When Leedshill looked at it, it is thought to be 3.8-acre feet. Mr. Stoliker personally thinks it is at 3.8 acre feet, but it has never been surveyed. Any agreement made with the Village would have to include who pays for the expansion of the pond. Mr. Yarbrough stated that this should be the Village.

Mr. Brachenhoff stated that if the pond was reconstructed for the 50-year storm and the area had a 100-year event, the water would go over the top of the pond and go into the Corrales Main Canal. The swale will be on the west side of the road. If the water went over the top, the roadway would keep filling up until it hit the east side of the road and would then overflow Tree Farm Pond B. Water could possibly go down Meadowlark Lane also. If the water overflows the road into the Canal, the Main Canal would breach. People living east of the Main Canal could then be flooded.

Mr. Brachenhoff stated that SSCAFCA's structures currently use 3.7 acre feet of the 3.8 acre feet of Tree Farm Pond B. The proposal is to take Tree Farm Pond B down another three feet which would provide the extra volume, with the road, to take up to a 50 year event. The water would be stored alongside the road, which would eventually drain to Tree Farm Pond B, which has a discharge point of 5 cfs into the Corrales Main Canal. Mr. Yarbrough asked about the option of conveying the water down to the Cabezon Channel alongside the road. Mr. Brachenhoff stated that he doesn't think that option was explored.

Mr. Metzgar asked if the Village's proposal would cause any maintenance concerns for SSCAFCA. Mr. Stoliker stated that Tree Farm Pond B is pretty close to being a depressed pond. When the roadway is built, it will be built up. His main concerns are the side slopes, what will happen to the fencing, and what would happen to the block wall along there. Mr. Stoliker stated that there would definitely be damage to the pond requiring maintenance in a 100-year event. In a 100 year event, all of the flow east of the Thompson fence line would come down in a sheet flow, will fill the pond up, run over the road and take out the canal. The flow west of the Thompson fence line has been stopped. SSCAFCA is in a better situation if it allows the Village to put the road in and allow them to put in the swale and connect to Tree Farm Pond. However, in a 100-year event, SSCAFCA is in a worse

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position if the overflow is placed at Tree Farm Pond. The overflow should run down its historic location, which is thought to be Meadowlark Lane.

Mr. Brachenhoff stated that Windsong is the main contributor of the outside flow. The idea of channeling the water alongside the road to the Cabezon Channel has not been explored. Mr. Stoliker's concerns with excavating the pond another three feet stems from the fact that the pond, as it sits right now, is at its maximum depth. If it were dug lower, the bottom of the pond would be lower than the bottom of the ditch. The outlet for the pond was put as low as it could be placed without making it so the water, when it entered the ditch, would not back up into the pond.

Mr. Yarbrough stated that without exploring all of the options, it seems that a decision can't be made right now. Mr. McDowell asked about measuring the pond to find out its capacity. Mr. Stoliker stated that would be a prudent idea. The configuration of the ditch will not be changed. Mr. Chaney stated that if SSCAFCA approves something less than the 100 year event, which is its standard, somewhere down the road and there is damage to Corrales, it seems that SSCAFCA would obtain the lion's share of the liability for the damage because it granted the variance.

Mr. Metzgar stated that, in the past, there have been requests by the Village for SSCAFCA to increase the capacities of its ponds beyond the 100-year event to protect the Village. Now, the Village is asking SSCAFCA to approve a decrease. This could create a problem.

Mayor Kanin stated that this project is the beginning of working toward a 100-year event. The project cannot be built for a 100-year event overnight. They are looking toward an improvement and then work toward a final conclusion of the 100-year event.

Mr. Chaney stated that if the Village is allowed to go in and build the road for the two-year event, he believes that the Village will never go back and rebuild the road for the 100-year event. He further stated that he can't see how a four foot wide bike path and a 22-foot wide road are more important than protecting the citizens of Corrales from flooding. Mayor Kanin stated that one of the Village's options is to move the water down to the Cabezon Channel, which is the preferred option. The Village has not had enough time to pull that together yet, and they are short on time with respect to moving the ditch. Mr. Yarbrough stated that the Village's engineer, Peter Brachenhoff, stated that the Village had not explored that option. The deadline to move the ditch is February 28, 2001. The realignment of the ditch is set, regardless of putting in the road.

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Mr. McDowell stated that SSCAFCA should stick with its 100-year event plans. It will cost more to redo the road after a major event than doing it right now. Mr. Chaney stated that this improvement would be better than what is there now. However, once SSCAFCA allows construction of a flood control facility where there was none before, and it is not done to the 100 year standard, it is possible that SSCAFCA would then become liable if the project is improperly constructed. Mr. Metzgar stated that within SSCAFCA's jurisdiction, there are many areas where it would be disastrous if we were to have a 100-year storm. The SSCAFCA Board can't do all projects immediately because it is limited by funds, etc. If, after SSCAFCA started building structures, it does not stay with its standard of 100-year storm, SSCAFCA's liability may go up.

Mr. Stoliker stated that last summer there were two watersheds that have been shown to have had the 100-year event. All of SSCAFCA's facilities within these watersheds performed well.

Mayor Kanin stated that the only problem Corrales had from those events was the water that came down Meadowlark Lane. Mr. Yarbrough stated that it was not a 100-year event that went down Meadowlark Road. The 100-year events were in the Barrancas Arroyo, the Venada Arroyo, and the unnamed arroyo. At the time of the storm, the escarpment projects were completed and the reason there was no damage in Corrales is because the SSCAFCA facilities were built correctly.

John Hollingsworth, a citizen who lives on the south side of Pond B, wondered if the provisions on the drainage included any of the release from Pond A into Pond B. He also is wondering if the drainage included the flows down Ruffles Lane, etc. Peter Brachenhoff stated that the drainage flowing from Tree Farm A into Tree Farm Pond B was taken into consideration. Any streets above Loma Larga Road are not directly impacted by flows because of the contours. The flow down Ruffles Lane, etc. would impact the pond. However, the drainage down those streets were considered by SSCAFCA in the construction of the pond.

Mr. Yarbrough stated that flows from Intel do not impact Tree Farm Pond B. Intel is capturing its water on-site and channeling it to Seven Bar Channel. Mr. Stoliker stated that a drainage report from Bohannon-Houston that the improvements that Intel is making right now states that Intel will channel its developed watershed area water along the east side of the plant to 528. Mr. Pineda is concerned that Intel's drainage will not go as proposed and that some of Intel's flows will go to Tree Farm Pond.

A motion was made by John Chaney to table this matter to give the Village an opportunity to explore other options. It was seconded by Guy McDowell and passed unanimously.

TREASURER'S REPORT (continued).**3. Discussion/Action on Bond Issue Resolution #2000-11.**

Mr. Stoliker introduced Kevin Powers, of Dain Rauscher, and Attorney Bob Strumor, of Hughes & Strumor. Mr. Powers stated that they have made some adjustments to the maturity schedule of the proposed bond issue. There was some discrepancy in the assessed valuation, toward the end of the fiscal year, and when the latest principal payments were due on the bonds, the amount of the debt service fund was not sufficient to make the payments. In researching it, there were two forces at work on this issue. One was a delay in distributions from the Sandoval County Treasurer's Office in terms of tax receipts. Secondly, when the new assessed valuations were stated this year, there was a note on one of the forms from the County that certain Jemez properties were included last year in error and are not included for assessed valuation this year. The Jemez properties had about \$43 million in assessed valuation, which would cause a change in collections of about \$37,000 in debt service. The retirement schedule has been revised on the proposed 2001 bond issue to eliminate principal payments for a number of years to allow the assessed valuation and the collections to equalize with bond payments and to provide SSCAFCA with maximum flexibility.

By doing this, Dain Rauscher can see how collections come in and how cash balances re-materialize. If there is a satisfactory accumulation when bonds are sold again in 2003, upon successful completion of another election, some principal can be accelerated at that time to catch up. By moving the principal payments out a bit, it will give SSCAFCA some breathing room needed to deal with the assessed valuation drop that has been experienced.

Right now the yield curve is flat. The final maturity of these bonds was scheduled in 2013, but principal will not be retired in 2002, 2003, 2004 or 2005, as was thought earlier. The average life is pushed out some, but shouldn't hurt much because of the small difference between the bonds.

Mr. Powers stated that determining SSCAFCA's tax boundaries are difficult because they do not coincide with any county boundaries. Dain Rauscher will request as much

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information from the County Assessor and verify their numbers with state DFA numbers to be sure of the taxing district.

Mr. Powers stated that they are fortunate that this was caught before they structured and sold the bonds. If they had structured and sold the bonds with more principal being retired early on, it would have caused some cash flow problems. It would not have caused a serious problem with regard to future bond issues. Mr. Powers believes that SSCAFCA will be able to maintain the .87 debt service tax rate, keep the debt service payments rolling, and also provide for the future bond sales and elections. SSCAFCA should have a \$5 million election in 2003, with sales in 2003 and 2005, with another \$5 million election in 2007, with sales in 2007 and 2009. The maximum amount of bonds that can be issued is \$30 million. SSCAFCA's last bond issue was \$7 million.

Mr. Powers stated that the next election would be the third in SSCAFCA's history. SSCAFCA has maintained the tax rate at the level that was promised, the bonds have been sold and used in the way that SSCAFCA intended. Mr. Yarbrough stated that SSCAFCA has not increased its rate for taxes, but taxes have gone up because the assessed values have gone up.

Mr. Powers stated that they are taking bids electronically over the Internet. It helps to broaden the interest in SSCAFCA's bonds by making it easier to bid on them.

Mr. Strumor stated that Resolution 2000-11 recites the history of the bond elections. The Notice of Sale is what goes out to the investment community. By restricting the rates, it helps to make the bid true. In order to eliminate human error regarding a good faith check, they now have a surety opportunity with the Internet, which will eliminate many potential problems. Mr. Strumor asked for approval of Resolution #2000-11.

Mr. Stoliker stated that Dain Rauscher has requested to be allowed to submit a bid. He noted that they had received Board approval for the last bid. General Board consensus was given to allow Dain Rauscher to bid and to provide written authorization.

A motion was made by John Chaney to approve Resolution #2000-11 as presented. It was seconded by Guy McDowell and passed unanimously.

4. Discussion/Action on Budget Resolution #2000-12.

Mr. Stoliker stated that this is a budget adjustment from last year and that they are usually done in July.

A motion was made was made by John Chaney to approve Resolution #2000-12 as presented. It was seconded by Richard Deubel and passed unanimously.

EXECUTIVE DIRECTOR REPORT (continued).

2. Action/Approval of USGS Final Report for agreement #NM9902400 from U.S. Geological Survey project #20400, "Determination of Infiltration Potential and the Potential Effects on Local Groundwater Quality of a Storm Water Detention Pond."

Mr. Stoliker stated that the report was funded by SSCAFCA as they were going through the approval process for Urban Pond 4. That is when the issue of the liner was brought up. The report was done to determine if a liner was needed. Mr. Yarbrough stated that the Village of Corrales is now suing because a clay liner was not used.

Mr. Pineda, who represents the Corrales Residents for Clean Air and Water, stated that some people are concerned about the pond and are trying to understand the associations between Corrales and Rio Rancho. They are trying to determine the initial purpose for the clay liner. The kind of liner needed would depend on the purpose.

Mr. Yarbrough stated that the purpose for the clay liner was because of concern from some of the citizens of Corrales that the structure would contaminate their well water. The Village protested the development from day one, nor did they want the pond, which was for their protection. In the process of the approval from the City of Rio Rancho to approve the subdivision, Joan Kellogg told Mayor Kanin that the City would insist that the developer put in a 12-inch clay liner. SSCAFCA's contention was that SSCAFCA would not accept responsibility of the pond with a plastic liner because of maintenance problems. The developer finally used a combination of native soils and some clay like material from the Harvey Jones Channel. The same end result has been obtained without the 12-inch clay liner. Mr. Stoliker stated that the engineering studies have shown that the storm water will not penetrate through the seepage blanket.

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A motion was made by John Chaney to approve the USGS Final Report as presented. It was seconded by Dub Yarbrough.

Mr. Deubel asked if there was a need to approve the report. Mr. Chaney stated that if the report is approved, it can be used as a matter of record that SSCAFCA has paid for and approved a report that states that there is not a problem with the pond. Mr. Deubel stated that if it is approved, it implies that SSCAFCA has accepted the methodology of the report.

Mr. Deubel asked if it was typical of the Board to approve the studies that are done. Mr. Stoliker stated that all studies are brought before the Board for review and approval/acceptance. In this case the term used in the signature sheet is for adoption of the report. If this is acceptable, all future reports will be adopted or accepted by the Board. There was general consensus among the Board that this was acceptable. Mr. Deubel withdrew his question.

The motion passed unanimously.

3. Approval of Annual Report.

A motion was made by John Chaney to table this matter until the next meeting. It was seconded by Dub Yarbrough and passed unanimously.

FOR YOUR INFORMATION

1. Notice of Approval by Corrales of the Corrales Westside Drainage Study.

Mr. Stoliker stated that the Village of Corrales approved the Corrales Westside Drainage Study at their last meeting.

2. Notice of Request for Grants Funding.

Mr. Stoliker stated that SSCAFCA has submitted two grants for funding. If it is approved, the grant application will be sent back to SSCAFCA and then presented to the Board for acceptance and allocation of matching funds. SSCAFCA has asked for \$315,000 for non-permitted storm water on the ground facilities (Roskos Field); and for research on the fecal coliform issue. SSCAFCA is getting together with all other governments and asking for \$1 million to do research on the Middle Rio Grande for fecal coliform and arsenic. The request also provides for up to \$10,000 every year from SSCAFCA for a three-year period.

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The funding can include in-kind services. If the grant were approved, then the reallocation of funding would be brought back to the Board.

3. Notice of 1% Administrative Fee Update.

Mr. Stoliker stated that the administrative fee update looks like it has been resolved at less than SSCAFCA's budgeted amount. The fee is a County fee for collecting and disbursing SSCAFCA's taxes.

DIRECTOR'S COMMENTS.

Mr. McDowell stated that the issue of water quality is not going to go away, but he thinks that SSCAFCA should start thinking about if they are going to get into the water cleanup mode or if it is going to stay in a water conveyance mode. He does not think SSCAFCA should be in the water quality business. Mr. Metzgar stated that the statute would probably limit SSCAFCA as to what it could do in the water quality business. SSCAFCA is limited to \$30 million in bonds. The water quality issue would be above \$30 million and would force SSCAFCA out of the business that SSCAFCA was intended to do.

Mr. Deubel stated that SSCAFCA should fight the requirement that they be the entity responsible for treatment of the water because it is beyond what SSCAFCA was created for. Mr. Metzgar stated that since SSCAFCA is a flood control authority, they are charged with all the arroyos. There is no way to keep that water from going to the river. SSCAFCA could only impound water on projects and new developments. If SSCAFCA does that, then the developer would have to share in the cost.

Mr. Chaney stated that SSCAFCA needs to stay with the reasoning that it is not its responsibility. It needs to be clarified in the legislature or the courts. If that is done, and the state says SSCAFCA is responsible, then its \$30 million bonding authority would have to be changed also. Until that occurs, SSCAFCA should take the position that it is not responsible.

OTHER BUSINESS.

Mr. Yarbrough stated that Mr. Stoliker has requested a permanent budget committee. Mr. Metzgar stated that he recalls that two standing committees have been created this past

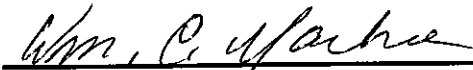
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year. He believes that one was the Personnel Committee and a Budget Committee. The members of the committees can be appointed at the first regular meeting in January.

ADJOURNMENT.

A motion was made by Dub Yarbrough and seconded by John Chaney to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:55 p.m.



W. C. YARBROUGH
Chairman



Secretary

DATE APPROVED:

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